IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

FRIDAY, THE 13TH JULY 2007 / 22ND ASHADHA 1929

WP(C).No. 27376 of 2004(H)

PETITIONER:

ALEXANDER M.J. MAMBARAMBU HOUSE,
KURUMBANKANDAM, MADAPPALLY, CHANGANACHERRY.

BY ADV. SRI.V.K.SUNIL

RESPONDENTS:
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1. THE REVENUE DIVISIONAL OFFICER,
KOTTAYAM.

2. THE GEOLOGIST, DEPARTMENT OF MINING AND
GEOLOGY, DISTRICT OFFICE, KOTTAYAM.

3. THE CIRCLE INSPECTOR OF POLICE,
CHANGANACHERRY POLICE STATION.

4. THE VILLAGE OFFICER, MADAPPALLY VILLAGE,
CHANGANACHERRY.

5. SANTHOSH C.SAM, CHARIVUPARAMBIL,
MAMMOODU P.O,. CHANGANACHERRY.

R1 TO R4 BY GOVT PLEADER SMT.SMITHA SUKUMAR
BY ADV. SRI.C.S.MANU

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 13/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETIITONER'S EXHIBITS:

EXT.P1: TRUE COPY OF THE REPRESENTATION DATED 8.9.2004 SUBMITTED BY PETITIONER.

EXT.P2: TRUE COPY OF THE ORDER/NOTICE NO.2108/DPY/ML/2004 DATED 8.9.2004 ISSUED BY THE 2ND RESPONDENT.

EXT.P3: TRUE COPY OF THE CAVEAT PETITION LODGED BY THE 5TH REPSONDENT BEFORE THE MUNSIFF'S COURT, CHANGANACHERRY.

/TRUE COPY/

THOTTATHIL B.RADHAKRISHNAN, J.

W.P(C).No.27376 OF 2004

Dated this the 13th day of July, 2007

JUDGMENT

The petitioner seeks a direction for implementation of Ext.P2. By interim order dated 20.9.2004, there was a direction to the second respondent as to any reason for non-implementation of Ext.P2. It was further directed that if the second respondent makes any request, the third respondent police officer shall render all assistance for implementation of Ext.P2.

2. A statement is placed on record pointing out among other things that the 5th respondent had admittedly obtained an application to convert a paddy field into a fish pond, while there is controversy as to the identity of the owner of the property. According to the said statement, the matter has been ordered to be enquired into and the enquiry report was awaited.

In the aforesaid circumstances, this writ petition is disposed of directing that the interim order dated 20.9.2004 is made absolute subject to any final decision that the revenue authorities may take on the basis of the report awaited in terms of what is recited in the statement.

Sd/-

THOTTATHIL B.RADHAKRISHNAN,
Judge

kkb.